

Order

**Michigan Supreme Court
Lansing, Michigan**

Entered: April 23, 2002

Maura D. Corrigan,
Chief Justice

File No. 2002-15

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Administrative Order 2002-2

Facsimile Transmission of Documents
in the Court of Appeals

On order of the Court, the Court of Appeals is authorized, beginning September 1, 2002, and until further order of the Supreme Court, to accept the facsimile transmission of documents in the following circumstances:

- (1) The Court of Appeals shall accept the filing of the following documents by facsimile (fax) transmission:
 - (a) answers to motions filed under MCR 7.211(B)(2)(e);
 - (b) answers to pleadings that were accompanied by a motion for immediate consideration under MCR 7.211(C)(6).
- (2) The Court of Appeals may expand or restrict the other types of filings accepted by fax upon notice published in its Internal Operating Procedures.
- (3) Allowable fax filings will be received by the Court of Appeals at any time. However, fax filings received on weekends, designated Court of Appeals holidays, or after 4:00 p.m. Eastern Time will be considered filed on the next business day. The time of receipt will be the time the cover sheet is received by the Court of Appeals, except if less than the entire document is received through no fault of the Court of Appeals or its facsimile equipment. If less than the entire document is received through no fault of the Court of Appeals or its facsimile equipment, there is no filing.
- (4) A cover sheet provided by the Court of Appeals must accompany every transmission. The following information must be included on the cover sheet:
 - (a) case name and Court of Appeals docket number (or applicable case names and docket numbers of cases consolidated by the Court of Appeals to which the faxed filing applies);
 - (b) county of case origin;
 - (c) title of document being filed;

- (d) name, attorney P-number (if applicable), telephone number, and fax number of the attorney or party sending the fax;
 - (e) if fees have not already been paid, the credit card number, expiration date, and authorized signature of the cardholder;
 - (f) number of pages in the transmission, including the cover sheet.
- (5) All fax filings must be on 8½" x 11" paper, in at least 12-point type. Every page must be numbered consecutively, and the background and print must contrast sufficiently to be easily readable.
 - (6) The fax filing shall be considered the document filed in the Court of Appeals. The attorney or party filing the document shall retain the original document, to be produced only at the request of the Court of Appeals. No further copies should be mailed to the Court of Appeals unless requested.
 - (7) Attachments to a filing must be labeled in the format of "Attachment X" on the lower right-hand corner of either a separate page or the first page of the attachment.
 - (8) All other requirements of the court rules apply to fax filings, including the signature, page limitations, filing fees, and service on other parties.
 - (9) A service fee shall be charged for the receipt of each fax transmission in the amount published in the Internal Operating Procedures. Fax filings in multiple Court of Appeals docket numbers must be transmitted separately under separate cover sheets unless the cases have already been consolidated by the Court of Appeals.
 - (10) Service fees and filing fees must be paid, or permission to charge the fees to an authorized credit card must be allowed by the filing party on the cover sheet, at the same time the fax filing is sent. A credit card transaction must be approved by the issuing financial institution before the document will be accepted as filed by the Court of Appeals.

Staff Comment: MCR 7.211(B)(2)(e) provides that answers to certain motions must be filed 7 days after the motions are served on the other parties. A filing made in person may be served by mail. When service is accomplished through mailing, it is complete "at the time of mailing." MCR 2.107(C)(3). In Michigan, where the mail process can consume two or three days of the seven-day response time, attorneys or parties who are located at a distance from a district office of the Clerk of the Court are disadvantaged in their ability to timely answer such motions.

This administrative order, adopted April 23, 2002, effective September 1, 2002, remedies this geographical disparity by permitting all parties or attorneys to make certain filings by fax. This administrative order will apply statewide, ensuring that all rights and responsibilities under it will affect each case and each filing in the same manner. Consistent with practice in the Court of Appeals under the court rules, it is *not* anticipated that service of the faxed filings on the other parties must be by facsimile. Service may be accomplished by any means that is otherwise acceptable under the court rules.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.